

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

BRIAN BONNER,	)	
	)	
Plaintiff,	)	CASE NO.:
	)	3:06-CV-00715-MHT
v.	)	
	)	
NORINCO a/k/a CHINA NORTH	)	
INDUSTRIES	)	
CORPORATION, et al.,	)	
	)	
Defendants.	)	

DEFENDANT QIQIHAR HAWK'S MOTION  
FOR LEAVE TO FILE REPLY BRIEF

COMES NOW one of the defendants, Qiqihar Hawk Industries Co., Ltd., and hereby moves the Court for leave to file a brief in reply to Plaintiff's Memorandum Brief in Opposition to Qiqihar Hawk's Motion for Summary Judgment. As grounds therefore, Qiqihar states as follows:

1. On February 18, 2008, Qiqihar Hawk filed a joinder in Norinco's Motion for Summary Judgment, by which joinder it expressly adopted and incorporated by reference Norinco's motion, supporting brief and narrative summary of undisputed facts and evidentiary submission. (Doc. 76, Joinder ¶ 2.) By Order of February 20, 2008, the Court directed that said motion would be set for submission, without oral argument, on March 6, 2008, with any opposing brief and evidentiary materials due by

said date. The Court's order did not provide for the filing of any reply by Qiqihar Hawk.

2. On March 6, 2008, the plaintiff submitted his opposition to Qiqihar Hawk's Motion for Summary Judgment, attempting to create a genuine issue of material fact on the question of whether plaintiff was contributorily negligent as a matter of law. Qiqihar Hawk submits that a careful reading of the undisputed material evidence - even taken in a light most favorable to the plaintiff - reveals that plaintiff was undeniably contributorily negligent as a matter of law. Qiqihar Hawk would request the opportunity to address in a reply brief the supposed issues of fact raised by the plaintiff.

WHEREFORE, for the foregoing reasons, Qiqihar Hawk respectfully requests leave to file a reply brief to plaintiff's opposition to its motion for summary judgment.

Respectfully submitted,

/s/Todd Higey

Todd Higey

Ala. Bar No. HIG019

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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the persons listed below:

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